

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

\_\_\_\_\_  
In re: )  
)  
)

Application of Storag Etzel GmbH for an )  
Order, Pursuant to 28 U.S.C. § 1782, to Obtain )  
Discovery for Use in a Foreign Proceeding )  
)  
)  
)  
)  
)  
)  
\_\_\_\_\_

Case No.: 19-mc-00209-CFC

Redacted Document Filed January 16, 2020  
Sealed Document Filed January 9, 2020 (DI 34)

SUPPLEMENTAL DECLARATION IN SUPPORT OF THE APPLICATION

Pursuant to 28 U.S.C. § 1746, I, [REDACTED] declare:

1. I am a partner of the international law firm Freshfields Bruckhaus Deringer LLP (“Freshfields”). I am an attorney qualified in Germany (Rechtsanwalt), and I am admitted to the Bar in Frankfurt am Main in good standing. I also hold a Master of Laws Degree from the University of Miami.

2. [REDACTED]  
[REDACTED]

3. I submit this Supplemental Declaration in support of Storag’s Reply Brief in Further Support of Its Application pursuant to 28 U.S.C. § 1782 (“Section 1782”) for discovery from Baker Hughes, a GE Company, LLC (the “Application”).

**There Are No Rules Or Decisions [REDACTED]  
That Prohibit Or Limit The Discovery Storag Seeks From Baker Hughes**

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

**Baker Hughes Misstates The Relevance Of  
Storag's Discovery Requests [REDACTED]**

8. [REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED] Storag believes that Baker Hughes is in possession of documents – [REDACTED]

[REDACTED] – that would enable it to prove [REDACTED]

[REDACTED]

**Baker Hughes Misstates The Relevance Of  
The [REDACTED] Between Other Parties To Storag's Application**

13. I am not aware of any statement or court ruling in the [REDACTED]<sup>1</sup> that would affect Storag's need for the discovery requested for the [REDACTED]. Storag is not a party in the [REDACTED]. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Discovery From Baker Hughes Is Needed For  
Storag's Upcoming Briefs [REDACTED]**

14. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

15. [REDACTED]  
[REDACTED]  
[REDACTED] The discovery sought by Storag in its Application is relevant for its brief as the discovery requests [REDACTED]  
[REDACTED] Storag expects that discovery will uncover documents

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<sup>1</sup> [REDACTED]  
[REDACTED] Storag is not a party to this proceeding.

that show that key evidence was withheld from [REDACTED]

[REDACTED]

[REDACTED]

16. Furthermore, Storag has not submitted its reply brief [REDACTED] for which it will depend on the documents its Application seeks from Baker Hughes. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. Accordingly, Baker Hughes' attempt to delay discovery by seeking to stay the 1782 proceeding risks irrevocable prejudice to Storag because delaying discovery would prevent Storag from being able to fully argue its case (making use of documents held by Baker Hughes) in both its [REDACTED] Storag cannot access the highly relevant documents held by Baker Hughes in the US without this Court's assistance as the Tribunal does not have subpoena power over Baker Hughes as a non-party to [REDACTED]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed January 9, 2020, in Frankfurt am Main, Germany

By: [REDACTED]

[REDACTED]

**CERTIFICATE OF SERVICE**

I, Rebecca L. Butcher, Esquire hereby certify that on January 9, 2020, a true and correct copy of the foregoing *Supplemental Declaration in Support of the Application* was caused to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on January 9, 2020, I caused the foregoing document to be served via electronic mail upon the above-listed counsel.

Dated: January 9, 2020

LANDIS RATH & COBB LLP

/s/ Rebecca L. Butcher

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